

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JOSEPH A. KENNEDY,

*Plaintiff,*

v.

BREMERTON SCHOOL DISTRICT,

*Defendant.*

CASE NO. 3:16-CV-05694-RAJ

**JOINT STATUS REPORT**

Plaintiff Joseph A. Kennedy (“Coach Kennedy”) and Defendant Bremerton School District (“The District”) have conferred pursuant to this Court’s August 11, 2022 Order (ECF No. 107) and submit the following status report in accordance with that Order.

**1. Statement on the Nature and Complexity of the Case**

On June 27, 2022, the U.S. Supreme Court reversed the decision of the U.S. Court of Appeals for the Ninth Circuit and granted summary judgment to Coach Kennedy on his First Amendment claims. *See Kennedy v. Bremerton Sch. Dist.*, 142 S. Ct. 2407, 2433 (2022) (“Mr. Kennedy is entitled to summary judgment on his First Amendment claims.”). The remaining

1 issues in this case are: (1) the form of the injunction and declaratory relief that should issue  
2 following summary judgment for Coach Kennedy, including the timing of his reinstatement and  
3 the details of the order requiring an accommodation for Coach Kennedy's exercise of his First  
4 Amendment free-speech and free-exercise rights; and (2) the award of Coach Kennedy's attorneys'  
5 fees and costs. *See* Compl., Prayer for Relief (ECF No. 1).

6 **2. Whether Any Additional Discovery Is Necessary.**

7 Discovery was completed prior to the summary-judgment proceedings and appeals. No  
8 additional discovery is necessary.

9 **3. Consent to Magistrate Judge Assignment**

10 The parties do not consent to assignment of this case to a magistrate judge to conduct all  
11 proceedings.

12 *Plaintiff's position:* Consistent with the position expressed in §4, Coach Kennedy consents  
13 to the assignment of a magistrate judge to supervise a mediation over the remedy and attorneys'  
14 fees.

15 **4. Alternative Dispute Resolution**

16 The parties did not engage in alternative dispute resolution before the appeals.

17 *Plaintiff's position:* Coach Kennedy believes the assignment of a magistrate judge to  
18 supervise a mediation concerning the form of the remedy and attorneys' fees would be productive.  
19 Coach Kennedy wants to work with the District to ensure that his reinstatement and that the  
20 conditions surrounding his exercise of his First Amendment rights is done in a way that minimizes  
21 the risk of disruption and ensures the community can come together following resolution of this  
22 case. Coach Kennedy believes that these aims, which he believes the District shares, can be best  
23 achieved by resolving the form of a remedy and the payment of fees and costs in a collaborative  
24 mediation that is supervised by a magistrate judge.

1       *Defendant's position:* The District is interested in resolving this case as soon as possible  
2 so that it can focus on its mission of serving the students and families of the Bremerton community.  
3 On the matter of a final order addressing the declaratory and injunctive relief sought by the  
4 Plaintiff, the District is confident that counsel for the parties can promptly draft and submit an  
5 agreed order. No need for alternative dispute resolution is apparent at this point. With respect to  
6 the question of attorney fees, it will only be if and when the Plaintiff prepares a petition for an  
7 award of fees that the District will be in a position to evaluate whether the topic presents issues  
8 that will have to be decided by this Court.

9       **5.       Suggestions for the prompt and efficient resolution of this case.**

10       *Plaintiff's position:* Coach Kennedy believes the assignment of a magistrate judge to  
11 supervise a mediation concerning the form of the remedy and attorneys' fees would best achieve  
12 a prompt and efficient resolution of the case for the reasons discussed in §4.

13       *Defendant's position:* The parties should promptly draft a proposed agreed order  
14 addressing declaratory and injunctive relief sought by the Plaintiff.

15       **6.       Trial Date**

16       No trial is necessary, as summary judgment has been awarded to Coach Kennedy.

17       **7.       Jury Trial**

18       No trial is necessary, as summary judgment has been awarded to Coach Kennedy.

19       **8.       Trial Days**

20       No trial is necessary, as summary judgment has been awarded to Coach Kennedy.  
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1 Dated: August 25, 2022

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Respectfully submitted,

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on August 25, 2022, the foregoing document was served via electronic  
3 filing on all counsel of record in this case.

4 /s/ Devin S. Anderson  
5 Counsel for Plaintiff  
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